



Jurisdiction By United States Magistrate Judge<sup>1</sup>, must be completed, signed and filed. The party filing the case or removing it to this Court is responsible for serving all parties with the consent forms. Each party must file a completed consent form and certificate of service with the Clerk of the Court not later than 20 days after entry of appearance, and must serve a copy by mail or hand delivery upon all parties of record in the case.

Any party is free to withhold consent to magistrate judge jurisdiction without adverse consequences. 28 U.S.C. 636(c)(2); Rule 73(b), Fed.R.Civ.P.; *Anderson v. Woodcreek Venture Ltd.*, 351 F.3d 911, 913-14 (9<sup>th</sup> Cir. 2003) (pointing out that consent is the "touchstone of magistrate judge jurisdiction" under 28 U.S.C. §636(c). "A party to a federal civil case has, subject to some exceptions, a constitutional right to proceed before an Article III judge." *Dixon v. Ylst*, 990 F.2d 478, 479 (9<sup>th</sup> Cir. 1993) (citing *Pacemaker Diagnostic Clinic of Am. Inc. v. Instromedix, Inc.*, 725 F.2d 537, 541 (9<sup>th</sup> Cir. 1984) (*en banc*)).

A review of the Court's file indicates that Defendant International Window Arizona, Inc., filed a Notice of Removal on January 23, 2008.

Defendant shall have until **February 13, 2008**, within which to make its selection to either consent to magistrate judge jurisdiction or elect to proceed before a U. S. district judge. The Court's docket reflects the appropriate consent form was electronically transmitted to all counsel on January 23, 2008 by the Clerk's office.

Accordingly,

**IT IS ORDERED** that the Defendant International Window Arizona, Inc. shall file on or before **February 13, 2008** its written election to either consent to magistrate judge jurisdiction or elect to proceed before a United States district judge.

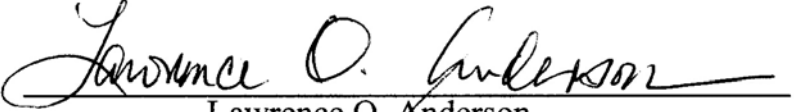
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<sup>1</sup>The consent/election form may be obtained directly from the Clerk of the Court or by accessing the District of Arizona's web site at [www.azd.uscourts.gov](http://www.azd.uscourts.gov). To find the consent/election form on the District's web site, click on "Local Rules" at the top of the page, then click on "forms" on the left side of the page and then click on and print the appropriate form.

1                   **IT IS FURTHER ORDERED** that Plaintiff shall either consent to proceed  
2 before a magistrate judge or elect to proceed before a district judge by **February 13,**  
3 **2008.**

4                   **IT IS FURTHER ORDERED** that counsel and any party, if  
5 unrepresented, shall hereinafter comply with the Rules of Practice for the United States  
6 District Court for the District of Arizona, as amended on December 1, 2007. The  
7 District's Rules of Practice may be found on the District Court's internet web page at  
8 [www.azd.uscourts.gov/](http://www.azd.uscourts.gov/). All other rules may be found as [www.uscourts.gov/rules/](http://www.uscourts.gov/rules/). The  
9 fact that a party is acting pro se does not discharge this party's duties to "abide by the  
10 rules of the court in which he litigates." *Carter v. Commissioner of Internal Revenue*, 784  
11 F.2d 1006, 1008 (9<sup>th</sup> Cir. 1986).

12                   DATED this 25<sup>th</sup> day of January, 2008.

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15                   Lawrence O. Anderson  
16                   United States Magistrate Judge  
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